

REMARKS

In the present Amendment "D", Applicants have amended Claims 6, 8, 9, 13 and 21, and added new Claims 22-24.

The present Amendment is being submitted with the understanding that the text of Amendment "C" as received in the PTO on 11 August 2003 has not been entered in the case, and with the understanding that the drawings changes proposed in the 11 August 2003 submission have been approved. Accordingly, no drawings papers are submitted here.

The Examiner stated that the Amendment received 11 August 2003 was not entered because Claim 8 no longer requires strengths of attachment, whereby the Amendment "C" raises a new issue.

Similarly, Amendment "C2" as received in the PTO on 11 September 2003 has not been entered in the case. The Examiner stated that the proposed Amendment "C2" also changes the scope of the claims because it no longer requires freedom from attachment, whereby the Amendment "C2" would require further consideration and/or search.

Since proposed Amendments "C" and "C2" were not considered on their merits, please do not enter Amendments "C" and "C2" and consider the present Amendment "D" responsive to the Final Office Action of June 18, 2003.

Claims 1, 3-5, 8-12 and 21 stand objected to because "[i]n claim 8, third to last line, after "weak", . . . —such—[should be inserted]" (Office Action dated June 6, 2003, ¶ 8). Amended Claim 8 obviates the objection in that the entire paragraph has been deleted. Therefore, Applicants respectfully request withdrawal of the objection.

Claims 1, 3-5, 8-12 and 21 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Amended Claim 8 renders moot the basis of the rejection and Applicants respectfully request withdrawal of the rejection.

Claims 1, 2-5, 8-12 and 21 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Romare (U.S. Pat. No. 6,027,484). Applicants respectfully traverse the rejection. Independent Claim 8 has been amended to recite the one or more of said at least one attachment sites on the corresponding outer portion, which are closest to the inner edge of the releasable fastener, being closer to the respective side edge of the front portion than to the inner edge of the releasable fastener. No reference of record, alone or in combination, teaches or suggests the recited combination. Thus, Applicants respectfully submit that Independent Claim 8 and Claims 9-14 dependent thereon are patentable over the cited reference and Applicants request that the Examiner indicate the allowability of Claims 8 -14.

New independent Claim 22 recites in pertinent part one or more of said at least one attachment sites on the corresponding outer portion closest to the inner edge of the releasable fastener being closer to the respective side edge of the front portion than to the inner edge of the releasable fastener, the first and second lateral sections configured to be stretchable relative to the fastener receptive area with the releasable fastener fastened in the fastener receptive area when the personal care article is worn as a pant; a back portion having a back end, a third side edge and a fourth side edge; and a crotch portion between said front portion and said back portion, the strength of attachment at said attachment sites of said outer portions of said first and second lateral sections to said front portion being sufficiently weak that said attachment sites

can be separated from said front portion without fracturing said front portion, the attachment sites when intact configured to stabilize the first and second lateral sections relative to said longitudinal axis to prevent said front portion from folding over on itself, said attachment sites further configured to stretch away from or toward said longitudinal axis when the personal care article is worn as the pant. Applicants respectfully submit that no reference of record, alone or in combination, recites each and every element of new Claim 22.

Romare (U.S. Pat. No. 6,027,484) teaches a diaper, for instance, in which the front part is joined as shown in Figure 1 by fasteners (e.g., 15, 16, 17) and a multitude of glue points (10). Due to its substantially different construction than the personal care article presently recited by Claim 22, the Romare diaper is more difficult to produce and severely limits stretchability when the diaper is worn in a pant type manner; e.g., the glue points (10) and the fasteners (15, 16, 17) prevent movement away from or toward a separation line (12) as shown in Figure 1 while the separation line (12) is intact. Thus, Applicants respectfully submit that present Claim 22 and its dependent Claims 23-24 are patentable over the cited reference and Applicants respectfully request that the Examiner indicate the allowance of Claims 22-24.

Applicants respectfully submit that all claims currently in the application are allowable over the cited references and favorable action is respectfully requested.

If the Examiner has any questions upon consideration of this Amendment "D", the Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,
DORITY & MANNING, P.A.

10-30-03
Date


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